

## Article - Education

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§7-702.

(a) The State Superintendent shall exempt any elementary school from the requirements of this subtitle if:

(1) (i) The school has made a breakfast program available for at least 3 consecutive months; and

(ii) The participation is less than 25% of the number of students eligible for free and reduced price eligible meals in each month;

(2) (i) The county board approves an alternative nutrition program that the school has instituted;

(ii) The school regularly conducts an assessment of the alternative program that provides evidence of success in achieving program objectives; and

(iii) The school submits an annual report of the assessment to the county board and the State;

(3) (i) The school requests an exemption for reasons of a compelling nature to the county board; and

(ii) After review and approval, the county board submits the request for exemption to the State Superintendent; or

(4) The school has less than 15% of its enrollment approved for free and reduced price eligible meals.

(b) The exemption in subsection (a)(4) of this section shall continue from year to year without the need for reapplication, until there is a 10% increase in the number of students approved for free and reduced price eligible meals.

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